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REMARKS

The applicant has received the Examiner's Action of April 18, 2007. The Examiner has objected to the Drawings and Claims and has noted rejections of claims under 35 USC 112. Accordingly your applicant now remarks on the Amendments made in Response to the Examiner's Action.

1. Use Of Brackets in Amendments – The Examiner's Office Action of April 18, 2007 states at page 2 of the Detailed Action - Failure to Comply with 35 CFR 1.121(c) that "under the current rules, single brackets [] should never be used to mark up changes in a patent application. Your applicant has filed Amendments in response to the original Examiner's Action and in support of the Petition to Revive. Your applicant has found instances where deletions were made at claims 1, 2, 4, 8, 9 and 18. Your applicant will not in the future use single brackets and in this response, where amendments will be made with brackets will use double brackets. The previous amendments with brackets will be eliminated in the amendments in this Response. Your applicant respectfully requests the Examiner to withdraw the comment re: failure to comply with 37 CFR 1.121 (c) and to allow the Claims as amended.

2. Drawings. The Examiner has advised that the Drawings were not acceptable in that the bottom of the drawings were overwritten by the fax transmission. Your applicant has resized the drawings so that a portion of the drawings will not be overwritten when submitted by facsimile transmission. Each sheet is marked, at the top margin, "Replacement Sheet".

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Application No. 09/638,017

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1 **3. Claim Objections.**

2 1. At page 3, paragraph 3, the Examiner states that Claims 8, 11 and 12 are
3 objected to because they include reference characters which are not enclosed within
4 parentheses. Accordingly, each of Claims 8, 11 and 12 have been amended to enclose all
5 reference characters within parentheses.

6 Your applicant has observed that claim 9 had a reference character not enclosed
7 within parentheses. Claim 9 has been amended.

8 Your applicant respectfully requests the Examiner to withdraw the Objections and
9 allow the claims as amended.

10
11 **4. Claim Rejections.**

12 1. At page 3, paragraphs 4 and 5, the Examiner states that claims 3-5, 7-13
13 and 16-20 are rejected under 35 USC 112, second paragraph as being indefinite for failing
14 to particularly point out and distinctly claim the subject matter which applicant regards as
15 the invention.

16
17 2. At page 3, paragraph 6 the Examiner elaborates on the rejection of claim 3
18 stating that there is lack of antecedent basis for "the spreader (90) bottom plate". It is
19 suggested that in claim 1 "a bottom (92)" be changed to -a bottom plate (92)-. Claim 1
20 has been so amended.

21 Your applicant respectfully requests the Examiner to withdraw the rejection and
22 allow claim 1, claim 3 and claim 9 depending from claim 3, claim 10 depending from
23 claim 9, claim 11 depending from claim 10, claim 12 depending from claim 11 and claim
24 13 depending from claim 12 and to allow the claims as amended.

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1 3. At page 3, paragraph 7 the Examiner states that "In claim 4, it is unclear if
2 "the plate" refers to the central horizontal plate, the bottom plate or one of the end plates."
3 Claim 4 has been amended to state: "...the upper bearing means is detachably and fixedly
4 mounted on the end plates,".

5 Having amended claim 4 your applicant respectfully requests the Examiner to
6 withdraw the rejection of claim 4 and claim 5, depending from claim 4, and claim 7
7 depending from claim 5 and claim 8 depending from claim 7 and to allow the claims as
8 amended.

9
10 4. At page 3, paragraph 8, the Examiner states that "In claim 6, there is lack of
11 antecedent basis for "the flow tubes". The Examiner is respectfully referred to Claim 5 for
12 antecedent basis of "flow tubes" as follows: " ...(80) for receiving outlet ends of fluid flow
13 tubes (84) from the exterior ...". Your applicant respectfully requests the Examiner to
14 withdraw the rejection of claim 6 and to allow the claim as presented.

15
16 5. At page 3, paragraph 9 the Examiner states "In claim 13, the double
17 recitation of "power means" and "power transmitting means", each of which is already
18 recited in independent claim 1 is especially confusing." Your Examiner is respectfully
19 referred to Claim 13 stating in part "...power means mounted on the exterior of the drum,
20 and power transmitting means operably connecting the power means and the shaft and
21 extending into the drum and underlying the hog back to the shaft; the power transmitting
22 means thereby shielded by the hogback from grain falling through the drum." Your
23 applicant respectfully believes that claim 13 sets forth additional structure relative to both
24 "power means" and "Power transmitting means". The mounting of the power means,

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1 relative to the drum, is set forth. The positioning of the power transmitting means into the
2 drum and underlying the hogback describes the structure shielding the hogback from
3 falling grain.

4 Your applicant respectfully requests the Examiner to withdraw the rejection of
5 claim 13 and claim 18 depending from claim 13, claim 19 depending from claim 18 and
6 claim 20 depending from claim 19 and to allow the claims as presented.

7
8 6. At page 3, paragraph 10, the Examiner states "In claim 16, there is lack of
9 antecedent basis for "the central discharge opening"; "the shaft"; and "the spreader bottom
10 plate".

11 Accordingly Claim 16 has been amended as follows: "... being ~~the~~ a central
12 discharge opening (56);..."; "...a spreader mounted on ~~the~~ a shaft adjacent the top of
13 he drum,..."; and "...~~the~~ a spreader (90) bottom plate (92) having vertical blades (94)
14 ...". Your applicant respectfully requests the Examiner to withdraw the rejection of
15 claim 16 and of claim 17 depending from claim 16 and to allow the claims as amended.

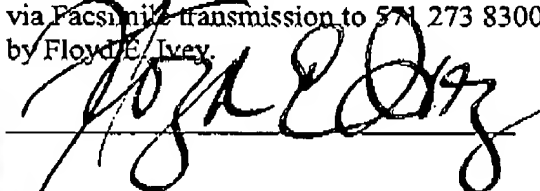
16
17 **SUMMARY**

18 Your applicant has Responded to each comment, objection and rejection of the
19 Examiner's action of April 18, 2007. Your applicant has amended claims and has
20 intended to have the amendments Respond to every rejection of claims 3-5, 7-13 and 16-
21 20, relative to Rejections, and to claims 8, 11 and 12, relative to Objections, and now
22 requests the Examiner to allow all claims as amended and to advance this application to
23 allowance.

24 Respectfully submitted,

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CERTIFICATE OF TRANSMISSION: FOR OFFICIAL FILING

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